

REMARKS

Claims 1-20 are pending in the application. Claims 1 and 13 have been amended herein. Favorable reconsideration of the application, as amended, is respectfully requested.

I. REJECTION OF CLAIMS 1-20 UNDER 35 USC §102(b)/103(a)

Claims 1-3, 5-10, 12-15 and 17-20 stand rejected under 35 USC §102(b) based on *Ashley et al.* The remaining claims are rejected under 35 USC §103(a) based on *Ashley et al.* in view of *Robinson* or *Tahara et al.* Applicants respectfully request withdrawal of the rejections for at least the following reasons.

Applicants have amended claims 1 and 13 to recite the feature of the invention whereby the provided additional audio data is stored on the storage medium separately from the moving picture streams. As stated in claims 1 and 13, the provided additional audio data represents audio to be reproduced in the mute interval located. By storing the provided additional audio data on the storage medium separately from the moving picture streams, seamless playback of audio data which is compliant with the DVD standard may be achieved.

In *Ashley*, the audio overlapping portion is stored on a storage medium so as to be included in the moving picture streams. In other words, audio overlapping portion is not stored on the storage medium separately from the moving picture streams as recited in amended claims 1 and 13. This is particularly disadvantageous in that the audio included in the moving picture streams would NOT be compliant with the DVD standard. The DVD standard prohibits the moving picture streams from including the audio overlapping portion.

More particularly, the data processor of the present invention includes a writing control section for locating an audio gap between two moving picture streams which may occur during an edit, for example. As is noted in the present application, such an audio gap is caused because the playback period of a video frame does not match that of an audio frame. (See, e.g., spec, page 70, lines 9-17). In order to avoid the

problems associated with de-stabilized audio level due to a fade-out and fade-in of the audio when making such an edit, the present invention contemplates providing additional audio data representing audio to be reproduced in the audio gap or mute interval. (Spec, lines 3-18). In accordance with the invention, the writing control section provides the additional audio data which is stored as an audio file and associated with the moving picture file. In the exemplary embodiment, a post recording data area just before and separate from the moving picture streams stores additional audio data.

Ashley et al. relates to a method and apparatus for generating bridge segments to enable editing jumps from one video sequence to another. *Ashley et al.* recognizes the likelihood of an audio gap in the sequence of the audio in a transition from one video sequence to another video sequence. *Ashley et al.* describes inserting a further audio frame at this point such that there is an overlap in the definition of audio presentation units of less than one audio frame period. (Column 6, lines 37-43).

In particular, *Ashley et al.* teaches forming a bridge sequence that is re-encoded and re-multiplexed in the form of a multiplex-bridge. The multiplex-bridge thus is included in the moving picture streams, and is not separate from the moving picture streams as recited in claims 1 and 13.

Accordingly, *Ashley et al.* does not teach or suggest the invention of claims 1 and 13. The remaining claims depend from claims 1 or 13 and may be distinguished over the teachings of *Ashley et al.* for at least the same reasons. Furthermore, the secondary references of *Robinson* and *Tahara et al.* fail to make up for the deficiencies in *Ashley et al.* Applicants therefore respectfully request that the rejections be withdrawn.

II. CONCLUSION

Accordingly, all claims 1-20 are believed to be allowable and the application is believed to be in condition for allowance. A prompt action to such end is earnestly solicited.

Application No.: 10/567,287

Should the Examiner feel that a telephone interview would be helpful to facilitate favorable prosecution of the above-identified application, the Examiner is invited to contact the undersigned at the telephone number provided below.

Should a petition for an extension of time be necessary for the timely reply to the outstanding Office Action (or if such a petition has been made and an additional extension is necessary), petition is hereby made and the Commissioner is authorized to charge any fees (including additional claim fees) to Deposit Account No. 18-0988.

Respectfully submitted,

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